

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 Case No.: 3:19-cv-00458-ART-CSD

4 JAMEE DEIRDRE HUNDLEY, aka JAMES
 DERRICK HUNDLEY,

Order

5 Plaintiff

Re: ECF No. 59

6 v.

7 STATE OF NEVADA ex rel. BOARD OF
 PRISON COMMISSIONERS, et al.,

8 Defendants
9

10 Plaintiff, who is an inmate incarcerated within the Nevada Department of Corrections
11 (NDOC), and is represented by counsel, has filed a motion for leave to file a third amended
12 complaint and proposed third amended complaint. (ECF Nos. 59, 59-1.)

13 Despite being given an extension of time until May 31, 2024, to file a response (*see* ECF
14 No. 61), Defendants have not opposed the motion. Under Local Rule 7-2(d), the failure of an
15 opposing party to file a response to a motion constitutes consent to granting the motion.
16 Therefore, Plaintiff's motion for leave to file a third amended complaint will be granted.

17 **CONCLUSION**

18 Plaintiff's motion for leave to file a third amended complaint (ECF No. 59) is
19 **GRANTED.**

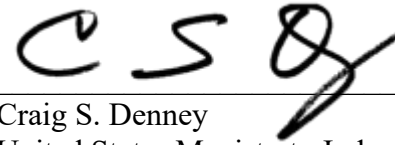
20 The Clerk shall **FILE** the third amended complaint (ECF No. 59-1).

21 On or before **July 10, 2024**, the Attorney General's Office shall file a notice indicating
22 whether it will accept service on behalf of the two defendants added to the third amended
23 complaint: the State of Nevada ex rel. NDOC and the State Board of Prison Commissioners.

1 On or before **July 24, 2024**, the Defendants who have been served shall file an answer or
2 otherwise respond to the third amended complaint.

3 **IT IS SO ORDERED.**

4 Dated: June 26, 2024

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7 Craig S. Denney
8 United States Magistrate Judge
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